(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization International Bureau



(43) International Publication Date 7 June 2001 (07.06.2001)

PCT

(10) International Publication Number WO 01/40765 A3

(51) International Patent Classification7: G01N 15/14

(21) International Application Number: PCT/US00/42350

(22) International Filing Date:

29 November 2000 (29.11.2000)

(25) Filing Language:

English

(26) Publication Language:

English

(30) Priority Data:

09/454,488

3 December 1999 (03.12.1999) U

(71) Applicant (for all designated States except US): XY, INC. [US/US]; 1108 North Lemay Avenue, Fort Collins, CO 80524 (US).

(72) Inventors; and

(75) Inventors/Applicants (for US only): BUCHANAN, Kristopher, S. [US/US]; Xy, Inc., 3801 Rampart Road,

ARBL Building, Fort Collins, CO 80523 (US). **HER-ICKHOFF**, Lisa [US/US]; Xy, Inc., 3801 Rampart Road, ARBL Building, Fort Collins, CO 80523 (US).

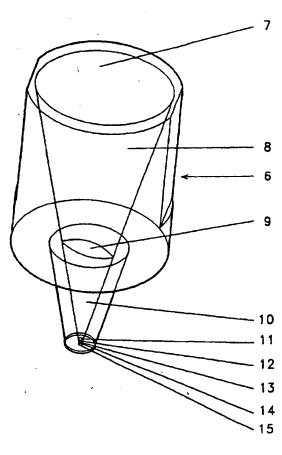
(74) Agent: SANTANGELO, Luke; Santangelo Law Offices, P.C., Third floor, 125 South Howes, Fort Collins, CO 80521 (US).

(81) Designated States (national): AE, AG, AL, AM, AT, AT (utility model), AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CR, CU, CZ, CZ (utility model), DE, DE (utility model), DK, DK (utility model), DM, DZ, EE, EE (utility model), ES, Fl, Fl (utility model), GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SK (utility model), SL, TJ, TM, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW.

(84) Designated States (regional): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZW), Eurasian

[Continued on next page]

(54) Title: IMPROVED FLOW CYTOMETER NOZZLE AND FLOW CYTOMETER SAMPLE HANDLING METHODS



(57) Abstract: An improved nozzle system for a flow cytometer and accompanying methods have been invented for a high efficiency orientation and sorting process of a flat sample and dedicates items such as equine or bovine sperm cells. This improved nozzle system comprises a nozzle (16) with a novel interior surface geometry that can both gently accelerate the cells and can include an elliptical-like, single torsional interior surface element within (c) the nozzle, i.e., a single torsional orientation nozzle (6). The elliptical-like, single torsional interior surface element (e.g.) (8, 9, 10) may have a laminar flow surface and may produce the simplest flow path for applying minimal forces which act in either an accelerative nature or orienting hydrodynamic forces, namely, the single torsional orientation forces, to orient a flat sample (16) such as animal sperm cells into a proper direction for an analyzing and efficiently sorting process in clinical use, for research and for the animal insemination industry.

WO 01/40765 A3



patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE, TR), OAPl patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).

Published:

- with international search report

(88) Date of publication of the international search report: 14 February 2002

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

INTERNATIONAL SEARCH REPORT

national Application No PCT/US 00/42350

A. CLASSIFICATION OF SUBJECT MATTER IPC 7 G01N15/14

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 G01N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, INSPEC, COMPENDEX, SCISEARCH, PAJ, BIOSIS

C. DOCUMI	ENTS CONSIDERED TO BE RELEVANT	
Calegory °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 3 893 766 A (HOGG WALTER R) 8 July 1975 (1975-07-08)	1-3, 70-72
Y A	column 2, line 27-34 column 3, line 4-60	48-51 4-13, 18-47, 52, 55-65, 73-86, 89-141, 144-159, 162-178
	column 4, line 18-38	
. [-/	
X Furti	ner documents are listed in the continuation of box C. X Patent family members	are listed in annex.

Further documents are listed in the continuation of box C. X Patent family members are listed in annex.							
Special categories of cited documents: A* document defining the general state of the art which is not considered to be of particular retevance E* earlier document but published on or after the international filing date C* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) O* document referring to an oral disclosure, use, exhibition or other means P* document published prior to the international filing date but later than the priority date claimed	 *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art. *&* document member of the same patent family 						
Date of the actual completion of the international search 28 September 2001	Date of mailing of the international search report 09/10/2001						
Name and mailing address of the ISA European Patent Office, P.B. 5818 Palentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo ni, Fax: (+31-70) 340-3016	Authorized officer Zinngrebe, U						

2

INTERNATIONAL SEARCH REPORT

PCT/US 00/42350

C (Continue	ation) DOCUMENTS CONSIDERED TO BE RELEVANT	PC1/US 00/42350		
Category *	Citation of document, with indication where appropriate, of the relevant passages	Relevant to claim No.		
X Y	WO 99 05504 A (US AGRICULTURE) 4 February 1999 (1999-02-04) cited in the application page 3, paragraph 3 page 5, paragraph 2 -page 8, paragraph 2	14-17, 53,54, 66-69, 87,88, 142,143, 160,161, 173,180 48-51		
A	US 5 088 816 A (TOMIOKA ATUO ET AL) 18 February 1992 (1992-02-18) column 1, line 52-64; figures 7,11-13 column 8, line 23-27 column 8, line 64 -column 9, line 39	1		
Α	EP 0 288 029 A (HITACHI LTD) 26 October 1988 (1988-10-26) column 7, line 46 -column 8, line 32	1		
A	JOHNSON L A ET AL: "SEX PRESELECTION: HIGH-SPEED FLOW CYTOMETRIC SORTING OF X AND Y SPERM FOR MAXIMUM EFFICIENCY" THERIOGENOLOGY, LOS ALTOS, CA, US, vol. 52, no. 8, 1999, pages 1323-1341, XP001025636 ISSN: 0093-691X page 1329	1		
	,, <u> </u>			

INTERNATIONAL SEARCH REPORT

Information on patent family members

Ir National Application No PCT/US 00/42350

Patent document cited in search report		Publication date	Patënt family member(s)		Publication date
US 3893766	Α	08-07-1975	US	RE29141 E	22-02-1977
WO 9905504	A	04-02-1999	US AU BR CN EP WO	5985216 A 8662998 A 9810803 A 1265195 T 0998672 A2 9905504 A2	16-11-1999 16-02-1999 12-09-2000 30-08-2000 10-05-2000 04-02-1999
US 5088816	А	18-02-1992	JP JP US	2808321 B2 3105235 A RE35227 E	08-10-1998 02-05-1991 07-05-1996
EP 0288029	Α .	26-10-1988	JP JP JP DE DE DE US	1868870 C 5075352 B 63262565 A 3886980 D1 3886980 T2 0288029 A2 5007732 A	06-09-1994 20-10-1993 28-10-1988 24-02-1994 01-06-1994 26-10-1988 16-04-1991